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May 11, 2007

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BY HAND

Ruthanne G. Miller, Chair
Board of Zoning Adjustment for the District of Columbia
441 Fourth Street, NW, Second Floor South
Washington D.C. 20001

Re: Correction to Request for Minor Modification of Approved Order
BZA Case No. 17276-B
Our File No.: 092371.0003

Dear Chairperson Miller:

On May 1, 2007, on behalf of our client Phillips Park, the applicant in the above-referenced case, we requested a Minor Modification of an Approved Order to clarify the Board's Condition #4 and its applicability to the entire development subject to the approval in that case. This letter serves to clarify a statement in the May 1, 2007 letter.

Our May 1, 2007 letter states "We have spoken with Alma Gates, Chairman of Advisory Neighborhood Commission 3D…[and] understand Ms. Gates has no objection to the modification." First, although she remains an Advisory Neighborhood Commissioner, Ms. Gates is no longer Chair of ANC 3D.

Second, the Applicant's statement regarding informing Ms. Gates of Phillips Park's request for an administrative modification to the BZA Order as to pool locations in non-sensitive lots refers to discussions between Ms. Gates and the applicant's architect in the context of her role as ANC Chairperson & Board Member at the time said issue was discussed & reviewed (Jan. & Feb. '05), and the more recent discussion between Ms. Gates and the applicant regarding that earlier conversation. Thus, when the applicant recently addressed Ms. Gates individually on this topic it was to address her recollection of the facts surrounding the ANC's original concern on the specific matter.

For the record, Ms. Gates' position or opinion, as it relates to the applicant's modification request to the Board, does not represent nor constitute an acknowledgement by ANC-3D (formally or informally), or any action taken by the ANC on this matter. We did not wish to intimate that the Advisory Neighborhood Commission had expressly or implicitly approved the requested modification.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17276-B
EXHIBIT NO. 79

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 79

We sincerely apologize to the Board and to Ms. Gates for any misstatement that may have occurred.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler

cc: Richard Nero, Office of Zoning
Mr. Felipe Paraud
Advisory Neighborhood Commission 3D
Office of Planning, Joel Lawson
Certain Residents of W Street, etc
Ms. Chandra Hardy
William Snape, III, Esquire